

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

FABRICE TOURRE,

Defendant.

---

:  
:  
:  
:  
: 10 Civ. 3229 (BSJ)(MHD)  
:  
: ECF Case  
:  
:  
:  
:  
:

**NOTICE OF SEC'S MOTION FOR PARTIAL RELIEF FROM  
THE COURT'S JUNE 10, 2011 PARTIAL DISMISSAL ORDER**

Pursuant to Federal Rule of Civil Procedure 54(b), the Securities and Exchange Commission moves the Court for partial relief from its June 10, 2011 Order dismissing the SEC's claims against Defendant Fabrice Tourre for primary and aiding and abetting violations of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder, in light of the Second Circuit decision in *Absolute Activist Value Master Fund Ltd. v. Ficeto*, 677 F.3d 60 (2d Cir. 2012). The reasons supporting this Motion are stated in the accompanying Memorandum of Law.

Dated: Washington, D.C.  
June 15, 2012

Respectfully submitted,

/s/ Matthew T. Martens

Matthew T. Martens  
Richard E. Simpson  
Christian D. H. Schultz  
Mark Lanpher  
Attorneys for Plaintiff  
Securities and Exchange  
Commission  
100 F Street, N.E.  
Washington, D.C. 20549  
(202) 551-4481 (Martens)  
(202) 772-9292 (fax)  
[martensm@sec.gov](mailto:martensm@sec.gov)

**CERTIFICATE OF SERVICE**

I certify that on June 15, 2012, I directed the foregoing NOTICE OF SEC'S MOTION FOR PARTIAL RELIEF FROM THE COURT'S JUNE 10, 2011 PARTIAL DISMISSAL ORDER to be filed using the CM/ECF system, which will send notification of such filing to the following email address:

[Pamelachepiga@allenoverly.com](mailto:Pamelachepiga@allenoverly.com)

Pamela Rogers Chepiga  
Allen & Overy LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Attorney for defendant Fabrice Tourre

/s/ Matthew T. Martens

Matthew T. Martens